

UNITED STATES DISTRICT COURT  
OFFICE OF THE CLERK  
FEDERICO DEGETAU FEDERAL BLDG - RM 150  
CARLOS CHARDON AVE.  
HATO REY, PUERTO RICO 00918-1767

Date: August 22, 2005

Robert J. Smith, Jr.  
Clerk, United States District Court  
District of Massachusetts  
One Courthouse Way  
Boston MA 02210-3002

Re: United States of America  
vs.  
Juan Pagán

Your Case No: 05-CR30019 MAP

Our Magistrate's Case No. 05-0341-01 M

Dear Sir:

I am enclosing Magistrate's record of proceedings and a certified copy of the docket entries in above case pertaining to your district, filed in this office on August 19, 2005.  
Please acknowledge receipt in the enclosed copy of this letter.

Very truly yours,

FRANCES RIOS DE MORAN  
Clerk of the Court

By: Sarah V. Ramón  
Deputy Clerk

Enclosure

CLOSED

**United States District Court  
District of Puerto Rico (San Juan)  
CRIMINAL DOCKET FOR CASE #: 3:05-mj-00341-JA-ALL  
\*SEALED\*  
Internal Use Only**

Case title: USA v. Pagan

Date Filed: 08/19/2005

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Assigned to: Chief Mag. Judge  
Justo Arenas

**Defendant**

**Juan Pagan (1)**

represented by **Victor J. Gonzalez-Bothwell**  
Federal Public Defender's Office

Patio Gallery Building  
241 Franklin D. Roosevelt Ave.  
Hato Rey, PR 00918-2441  
787-281-4922  
Fax: 787-281-4899  
Email: victor\_gonzalez@fd.org  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**  
**Designation: Federal Public**  
**Defender**

**Pending Counts**

None

**Disposition**

**Highest Offense Level  
(Opening)**

None

Terminated CountsDisposition

None

Highest Offense Level  
(Terminated)

None

ComplaintsDisposition

Rule 5 Documents received from  
the District of Massachusetts.  
Deft charged w/possession with  
intent to distribute cocaine base

Plaintiff

USA

represented by **Dina Avila-Jimenez**  
United States Attorney's Office  
350 Carlos Chardon St.  
Suite 1201  
San Juan, PR 00918  
787-766-5656  
Fax: 787-771-4050  
Email: dina.avila@usdoj.gov  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**  
*Designation: Retained*

Date Filed	#	Docket Text
08/19/2005	● 1	SEALED Rule 5 Documents Received as to Juan Pagan (Copy of Arrest Warrant) (sr, ) (Entered: 08/22/2005)
08/19/2005	●	Arrest of Juan Pagan (sr, ) (Entered: 08/22/2005)
08/19/2005	● 2	Minute Entry for proceedings held before Justo Arenas,

		Chief U.S. Magistrate Judge :Initial Appearance in Rule 5(c)(3) Proceedings as to Juan Pagan held on 8/19/2005 Appearance entered by Victor J. Gonzalez-Bothwell for Juan Pagan on behalf of defendant. Deft waived the Removal Hearing. Deft was assisted by counsel. (Court Reporter None.) (sr, ) (Entered: 08/22/2005)
08/19/2005	●3	ORDER OF TEMPORARY DETENTION as to Juan Pagan . Signed by Justo Arenas, Chief U.S. Magistrate Judge on 8/19/05. (sr, ) (Entered: 08/22/2005)
08/19/2005	●4	ORDER APPOINTING FEDERAL PUBLIC DEFENDER as to Juan Pagan. Victor J. Gonzalez-Bothwell for Juan Pagan appointed . Signed by Clerk on 8/19/05. (sr, ) (Entered: 08/22/2005)
08/19/2005	●5	WAIVER of Rule 5 Hearings by Juan Pagan (sr, ) (Entered: 08/22/2005)
08/19/2005	●6	Minute Entry for proceedings held before Justo Arenas, Chief U.S. Magistrate Judge :Removal Hearing as to Juan Pagan held on 8/19/2005. Deft waived the Removal Hearing. Commitment to Another District signed. Deft to be transferred under the custody of the US Marshals in a timely fashion. (Court Reporter FTR.) (sr, ) (Entered: 08/22/2005)
08/19/2005	●7	COMMITMENT TO ANOTHER DISTRICT as to Juan Pagan. Defendant committed to District of Massachusetts . Signed by Justo Arenas, Chief U.S. Magistrate Judge on 8/19/05. (sr, ) (Entered: 08/22/2005)
08/22/2005		***Case Terminated as to Juan Pagan*** (sr, ) (Entered: 08/22/2005)
08/22/2005	●8	ORDER OF DETENTION PENDING TRIAL as to Juan Pagan . Signed by Justo Arenas, Chief U.S. Magistrate Judge on 8/19/05. (sr, ) (Entered: 08/22/2005)

## UNITED STATES DISTRICT COURT

District of \_\_\_\_\_

UNITED STATES OF AMERICA

V.  
**JUAN PAGAN**  
*Defendant*

**ORDER OF DETENTION PENDING TRIAL.**

Case Number: 05-0341 M

In accordance with the Bail Reform Act, 18 U.S.C. § 3142(f), a detention hearing has been held. I conclude that the following facts require the detention of the defendant pending trial in this case.

**Part I—Findings of Fact**

(1) The defendant is charged with an offense described in 18 U.S.C. § 3142(f)(1) and has been convicted of a  federal offense  state or local offense that would have been a federal offense if a circumstance giving rise to federal jurisdiction had existed - that is  a crime of violence as defined in 18 U.S.C. § 3156(a)(4).  
 an offense for which the maximum sentence is life imprisonment or death.  
 an offense for which a maximum term of imprisonment of ten years or more is prescribed in \_\_\_\_\_ \*

a felony that was committed after the defendant had been convicted of two or more prior federal offenses described in 18 U.S.C. § 3142(f)(1)(A)-(C), or comparable state or local offenses.

(2) The offense described in finding (1) was committed while the defendant was on release pending trial for a federal, state or local offense.

(3) A period of not more than five years has elapsed since the  date of conviction  release of the defendant from imprisonment for the offense described in finding (1).

(4) Findings Nos. (1), (2) and (3) establish a rebuttable presumption that no condition or combination of conditions will reasonably assure the safety of (an) other person(s) and the community. I further find that the defendant has not rebutted this presumption.

**Alternative Findings (A)**

(1) There is probable cause to believe that the defendant has committed an offense  
 for which a maximum term of imprisonment of ten years or more is prescribed in \_\_\_\_\_.  
 under 18 U.S.C. § 924(c).

(2) The defendant has not rebutted the presumption established by finding 1 that no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community.

**Alternative Findings (B)**

(1) There is a serious risk that the defendant will not appear.  
 (2) There is a serious risk that the defendant will endanger the safety of another person or the community.

Deft to be transferred to the prosecuting district of Massachusetts.

**Part II—Written Statement of Reasons for Detention**

I find that the credible testimony and information submitted at the hearing establishes by  clear and convincing evidence  a preponderance of the evidence that

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Part III—Directions Regarding Detention**

The defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States marshal for the purpose of an appearance in connection with a court proceeding.

AUGUST 19, 2005

Date

S/JUSTO ARENAS

Signature of Judge

JUSTO ARENAS, CHIEF U.S. MAGISTRATE JUDGE

Name and Title of Judge

\*Insert as applicable: (a) Controlled Substances Act (21 U.S.C. § 801 *et seq.*); (b) Controlled Substances Import and Export Act (21 U.S.C. § 951 *et seq.*); or (c) Section 1 of Act of Sept. 15, 1980 (21 U.S.C. § 955a).

(8/22)

# United States District Court

DISTRICT OF \_\_\_\_\_

UNITED STATES OF AMERICA

v.  
*Juan Pagan*

## COMMITMENT TO ANOTHER DISTRICT

CASE NUMBER: *05-371M*

The defendant is charged with a violation of 21 U.S.C.841 alleged to have been committed in the \_\_\_\_\_ District of Massachusetts.

Brief Description of Charge(s):

**Possession with intent to distribute cocaine base**

The defendant has been unable to obtain release under the Bail Reform Act of 1984, 18 U.S.C. §§3141-3143.

TO: THE UNITED STATES MARSHAL

You are hereby commanded to take custody of the above named defendant and to transport that defendant with a certified copy of this commitment forthwith to the district of offense as specified above and there deliver the defendant to the United States Marshal for that District or to some other officer authorized to receive the defendant, all proceedings required by Fed. R. Crim. P. 40 having been completed.

Date

*August 19, 2005*

S/ JUSTO ARENAS

*Judicial Officer*  
 JUSTO ARENAS, CHIEF U. S. MAGISTRATE JUDGE

### RETURN

This commitment was received and executed as follows:

DATE COMMITMENT ORDER RECEIVED	PLACE OF COMMITMENT	DATE DEFENDANT COMMITTED

*(Signature)*

Five Minutes

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

SEALED MINUTES OF PROCEEDINGS

DATE: August 19, 2005

HONORABLE JUSTO ARENAS, CHIEF U. S. MAGISTRATE JUDGE

COURTROOM DEPUTY: Sarah V. Ramón

Case No. 05-0341-01 M

COURT REPORTER: FTR

INTERPRETER: Not Needed

PTS: Maricarmen Ríos

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United States of America

ATTORNEYS : Dina Avila

Plaintiff

v.

Juan Pagán  
Defendant(s)

Víctor González, FPD

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CASE IS CALLED FOR A REMOVAL HEARING.

Counsel for defendant and the defendant himself, inform that there is no issue as to his identity and that the defendant is waiving the identity hearing.

After hearing the parties, the Magistrate accepts the waiver of the identity hearing and the waiver form is filed and accepted. The defendant is advised of his rights and is to remain under custody, and the matter of bail will be solved in that district.

The Commitment to Another District is signed. The defendant is ordered to be transferred to the District of Massachusetts , under the custody of the Marshals in a timely fashion.

s/Sarah V. Ramón  
Sarah V. Ramón, Deputy Clerk

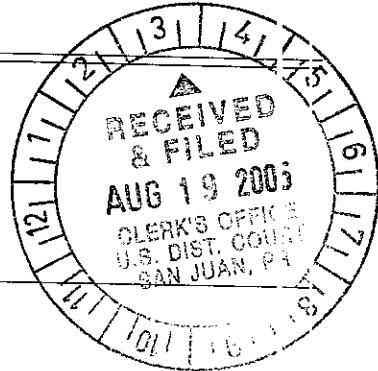
\*\*\*It is noted that defendant informed at the initial hearing that he would be waiving the identity hearing.\*\*\*



AO 468 (1/86) Waiver of Preliminary Examination or Hearing, p

## United States District Court

DISTRICT OF \_\_\_\_\_



UNITED STATES OF AMERICA

v.

*Juan Pagán*

**WAIVER OF PRELIMINARY  
EXAMINATION OR HEARING  
(Rule 5 or 32.1, Fed. R. Crim. P.)**

Case Number:

*05-341 M*

I, Juan Pagán, charged in a (complaint) (petition) \_\_\_\_\_, pending in this District with \_\_\_\_\_

in violation of Title 18, U.S.C., 841 & 846,

and having appeared before this Court and been advised of my rights as required by Rule 5 or Rule 32.1, Fed. R. Crim. P., including my right to have a preliminary (examination) (hearing), do hereby waive (give up) my right to a preliminary (examination) (hearing).

X Juan Pagán  
Defendant

8/19/05

Date

Counsel for Defendant

*B* *JR*

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

United States of America

Plaintiff

v.

Juan Pagán

Defendant(s)

CASE NO. 05-0341 M

**ORDER**

Because the above named defendant has testified under oath or has otherwise satisfied this Court that

- (1) is financially unable to employ counsel,
- (2) does not wish to waive counsel,

and because the interest of justice so require, the Federal Public Defender is hereby appointed to represent the defendant in this case until the same is terminated or a substitute attorney is appointed.

BY ORDER OF THE COURT, NUNC PRO TUNC \_\_\_\_\_

At San Juan, Puerto Rico, on August 19, 2005

FRANCES RIOS DE MORAN  
Clerk of the Court

By: s/Sarah V. Ramón  
Sarah V. Ramón, Deputy Clerk

s/cs: AUSA  
USM  
PTS  
FPD

14  
11

## United States District Court

DISTRICT OF \_\_\_\_\_

UNITED STATES OF AMERICA

v.

*Alicia Pagan*  
Defendant

ORDER OF TEMPORARY DETENTION TO  
PERMIT REVOCATION OF CONDITIONAL  
RELEASE, DEPORTATION OR EXCLUSION

Case Number:

05-341M

I find that the defendant

- is, and was at the time the alleged offense was committed:
  - on release pending trial for a felony under federal, state, or local law.
  - on release pending imposition or execution of sentence, appeal of sentence or conviction, or completion of sentence, for an offense under federal, state, or local law.
  - on probation or parole for an offense under federal, state, or local law; or
- is not a citizen of the United States or lawfully admitted for permanent residence as defined at (8 U.S.C. §1101(a)(20)).

and I further find that the defendant may

flee, or  pose a danger to another person or the community.

I accordingly ORDER the detention of the defendant without bail to and including August 30, 2005, which is not more than ten days from the date of this Order, excluding Saturdays, Sundays and holidays. 9:00 AM

I further direct the attorney for the Government to notify the appropriate court, probation or parole official, or state or local law enforcement official, or the appropriate official of the Immigration and Naturalization Service so that the custody of the defendant can be transferred and a detainer placed in connection with this case.

If custody is not transferred by the above date, I direct the production of the defendant before me on that date so that further proceedings may be considered in accordance with the provisions of 18 U.S.C. § 3142.

Date: August 19, 2005

S/ JUSTO ARENAS

Judicial Officer  
JUSTO ARENAS, CHIEF U. S. MAGISTRATE JUDGE

(3)  
JW

SEALED MINUTES OF PROCEEDINGS

DATE: August 19, 2005

BEFORE HONORABLE JUSTO ARENAS, CHIEF U. S. MAGISTRATE JUDGE

United States of America

CASE NO: 05-0341 M

Plaintiff

COURTROOM DEPUTY: Sarah V. Ramón

v.

Juan Pagán

COURT INTERPRETER:

Attorneys:

For Plaintiff: Dina Avila

Defendant(s)

PTS: Maricarmen Ríos

Attorneys for defendants:

For Defendant(s): Víctor González, FPD

Arrest Date: August 19, 2005

Initial appearance held. Appeared today : \_\_\_\_\_

Defendant(s) was/were interviewed by Pretrial Services Officer.

Defendant(s) was/were advised of the charges, rights, and given a copy of

Complaint \_\_\_\_\_ Indictment \_\_\_\_\_ Information \_\_\_\_\_ Other

Detention hearing is set for \_\_\_\_\_

Preliminary hearing set for \_\_\_\_\_

Bail hearing is set for \_\_\_\_\_

Arraignment set for \_\_\_\_\_

Defendant(s) is/are committed.

Foster hearing set for \_\_\_\_\_

Removal hearing set for August 19, 2005 at 3:00 p.m.

Arraignment hearing set for \_\_\_\_\_ before Magistrate Judge Gustavo A. Gelpí.

Arraignment hearing set before \_\_\_\_\_ Justo Arenas \_\_\_\_\_ Aida M. Delgado-Colon

Government's request is Detention without bail

Defendant(s) will be represented by  Federal Public Defender \_\_\_\_\_ Retained counsel

Defendant(s) will be represented by Court Appointed Counsel.

Defendant is left at his/ her/ their own recognizance \_\_\_\_\_

Bond set \_\_\_\_\_

Bond to be posted \_\_\_\_\_

s/cs: AUSA, PTS, USM

Deft was assisted by Victor González, FPD

s/ Sarah V. Ramón  
Sarah V. Ramón, Deputy Clerk



AO 442 (Rev. 5/93) Warrant for Arrest

## United States District Court

DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

v.  
JUAN PAGAN

05-3414

## WARRANT FOR ARREST

SEALED

CASE NUMBER:

05cr30019-MAP

To: The United States Marshal  
and any Authorized United States Officer

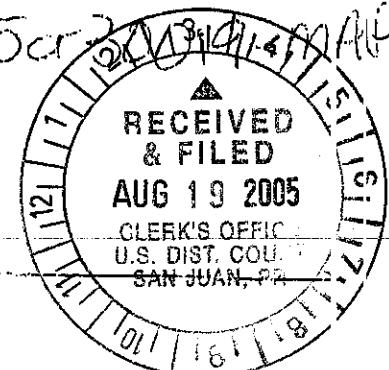
YOU ARE HEREBY COMMANDED to arrest \_\_\_\_\_

Juan Pagan

Name

and bring him or her forthwith to the nearest magistrate judge to answer a(n)

Indictment  Information  Complaint  Order of court  Violation Notice  Probation Violation Petition

charging him or her with (brief description of offense)  
Possession with intent to distribute cocaine basein violation of  
Title \_\_\_\_\_ 21 United States Code, Section(s) 841

Kenneth P. Neiman

Name of Issuing Officer

Signature of Issuing Officer

U.S. Magistrate Judge

Title of Issuing Officer

Date and Location

Bail fixed at \$ \_\_\_\_\_

by \_\_\_\_\_

Name of Judicial Officer

## RETURN

This warrant was received and executed with the arrest of the above-named defendant at  
*Car #2, Plaza Hotel's Parking lot, Manati, PR*

DATE RECEIVED

8/13/2005

NAME AND TITLE OF ARRESTING OFFICER

DATE OF ARREST

8/15/2005

SIGNATURE OF ARRESTING OFFICER

*Antonio Torres*

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